

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MORGAN ART FOUNDATION LIMITED,

PLAINTIFF,

-AGAINST-

MICHAEL MCKENZIE D/B/A AMERICAN IMAGE ART,

DEFENDANT.

Case No. 1:18-cv-04438-AT-BCM

**DECLARATION OF ERIC I. HORNAK-SPOUTZ**

I, ERIC I. HORNAK-SPOUTZ, do hereby declare under penalty of perjury that the following is true and correct:

1. I am fully familiar with the matters set forth in this Declaration based on personal knowledge about the facts and matters below. I am over the age of 18 years and not laboring under any disabilities.

2. I work as a sales specialist for Fred Daniello, the owner of Art Commerce LLC. Art Commerce LLC is an art gallery in the business of selling prints, canvas, and sculpture artworks.

3. I have been selling art for over 20 years. During my career, I worked personally with Robert Indiana. I have handled many authentic Indiana artworks and would recognize his signature.

4. Daniello and I purchase work from various art dealers, including Gregory Allen. Allen has recently offered Daniello artworks purportedly by Indiana that were published by Michael McKenzie. I noticed that the signatures on several of those works were duplicates. Based on my experience, I thought this was unusual for authentic Indiana

art. I notified Fred Daniello of my opinion. Daniello told me that he called Gregory Allen and he was told that these artworks were signed by an autosignature machine. Prior to this conversation, Allen had never disclosed this fact.

5. Within the last few months, Gregory Allen has sold and is currently attempting to sell a significant number of artworks published by McKenzie. I am aware of at least four other art dealers who are currently offering artworks published by McKenzie.

6. I have read this document carefully. Every statement in this document is truthful and accurate, I have not been paid in exchange for giving this information, and I have given this declaration under my own free will.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Michigan on 26, January 2022

By:

A handwritten signature in black ink, appearing to read 'Eric I. Hornak-Spoutz', written over a horizontal line.

Eric I. Hornak-Spoutz